IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8936 of 2005

Between:

Boya Kondanna, S/o. Papanna,
Ramanpadu village, Kothakota Mandal,
Mahaboobnagar District.

..... PETITIONER

AND

1 The Joint Collector, Mahaboobnagar,
Mahaboobnagar District.
2 The Revenue Divisional Officer, Wanaparthy,
Mahaboobnagar District.
3 The Mandal Revenue Officer, Kothakota,
Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the impugned order in proceedings vide Lr.No.E1/308/2005 dt.16.03.2005 based on report submitted by 3rd respondent authority and letter No.F1/1086/2004 dt.12-08-2004 referred to in the order of the 1st respondent authority which is not served on the petitioner as arbitrary, illegal and violative of Article, 14 21 300-A of Constitution of India and principles of Natural Justice, hence further prayed that this Hon'ble Court may be pleased to set aside as the same are in gross violation of principles of natural Justice and pass such other order or orders.

Counsel for the Petitioner: MR.A.NARASIMHA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

O R D E R:

This writ petition is filed questioning the order passed by the Joint Collector, Mahabobnagar, dated 16-03-2005, whereunder the assignment granted in favour of the petitioner was cancelled on the ground that he is not a landless poor person as contemplated under G.O.Ms.No.1406 dated 25-07-1958 read with G.O.Ms.No.1724 dated 26-08-1959.

Though the learned counsel for the petitioner raised various contentions, the learned Government Pleader appearing for the respondents at the outset raised an objection as to the maintainability of the writ petition contending that against the impugned order an appeal lies before the Commissioner of Land Revenue and without exhausting the said alternative remedy the petitioner cannot maintain the writ petition.

Having regard to the fact that an alternative remedy of appeal is available, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the remedy of appeal. However, in the facts and circumstances of the case, there shall be a direction that status quo obtaining as on today as to the nature and possession of the

land-in-question shall be maintained for a period of four weeks from today. No costs.

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(G.ROHINI, J)

Date: 21-04-2005

ghn

To

1 The Joint Collector, Mahaboobnagar,
Mahaboobnagar District.
2 The Revenue Divisional Officer, Wanaparthy,
Mahaboobnagar District.
3 The Mandal Revenue Officer, Kothakota,
Mahaboobnagar District.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two C.D copies